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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,735	03/12/2001	Mounir Ben Fredj	1200.474	8681

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EXAMINER

FORD, JOHN K

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,735

Applicant(s)

Fredj et al.

Examiner

FORD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/26/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 6, 7, 10, 12, 13, 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 11, 14 & 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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Applicants' election of the species of Figure 4, without traverse, is acknowledged.

Applicants have identified claims 1-5 and 8-15 as readable on the elected species of Figure 4.

Claims 10, 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner does not believe that claims 10, 12 and 13 are readable on the elected species and these claims are withdrawn by the Examiner. These claims do not recite features or limitations which are disclosed in reference to Figure 4. If applicants disagree, please ^{explain} in detail where these limitations are fairly disclosed in the elected species of Figure 4. Claim 10 reads on non-elected Figure 8. Claim 12 reads on non-elected Figure 12. Claim 13 reads on non-elected Figure 5.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 5, 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Patent Abstract of Japan (PAJ) pub No. 60148716 and DE 3820811.

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Applicants have given the Examiner two largely untranslated references. In the case of Japanese document, it is only an English Abstract without the underlying document. In the case of the German reference, no translation has been provided. The French search report shows the PAJ document to be an "X" document on claims 1, 2, 11 and 17 and the German reference to be an "X" document on claims 1, 2 and 11. The Examiner is in need of translations for both and in need of a complete copy of the Japanese document, in order to properly examine this case. Failure to provide a complete JP document will delay prosecution.

Given that this application is probably assigned to Valeo (given Mr. Khelifa is an inventor), a multi-billion dollar company, it is requested that complete translations of these two references be provided. Procuring such translations cannot be seen as any financial hardship to a company the size of Valeo.

DE '811, to the extent it can be understood by this Examiner, appears to show plural evaporators 103a and 103b in series with respect to air flow through duct 113 (Fig. 2). An elaborate set of switching valves 112a, 112b, 112c, 112d and 112e is shown.

To have used the refrigeration circuit of DE '811 to feed refrigerant to the evaporators 5A and 5B of JP '716 would have been obvious, to permit both to function simultaneously or alternately.

The Examiner reserves a right to reexplain this rejection once applicant has supplied a complete copy of the underlying Japanese document and translations of both the Japanese and German reference.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 5, 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 54-104636 or JP 6-207763 or JP 10-311615 or JP 58-183312 or Lehane et al.

Each of these references shows plural heat exchangers capable of functioning as evaporators in an air duct. Valves are shown permitting at least one evaporator to either not be used or used as a condenser. Regarding claim 4 the cold production capacity will be different[†] because the two evaporators (even if identical) air exposed to different temperature air flows as a consequence of being serially disposed with respect to the air flow in the duct.

Alternatively, to have tailored them to the part load or full load expected would have been obvious.

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To have used any of these references to have conditioned a vehicle compartment would have been obvious.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of the prior art as applied to claim 1 above, and further in view of JP 59-143716 and EP-A-964218.

JP '716 teaches that a refrigerant heat exchanger 8 can be locate adjacent to a coolant heat exchanger 17 (see Figs. 1 and 3) in a vehicular system to improve performance.

To have used any of the prior art plural evaporator systems in place of heat exchangers 12 and/or 8 of JP '716 to improve part load performance would have been obvious.

To have integrated heat exchanger ^{8 and 17 into a single heat exchanger} would have been obvious from the teachings of EP '218.

EP '218 is discussed in the specification on page 6, lines 12-19.


Please provide a copy of this document in response to this action. ~~It is document in response to this action.~~ It is unavailable on the current search system at the PTO. Also, please provide a copy of FR 2717126 discussed in the specification. It is also unavailable at the PTO on the current search system.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

Any inquiry concerning this communication should be directed to John Ford at telephone number 308-2636.

J. FORD:th
June 21, 2002



John K. Ford
Primary Examiner